

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No. 225 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
16/12/2004 in WP No. 23383 OF 2004 on the file of the High Court.)

Between:

Nakka Govendamma, W/o. Late Jagannatham,
Chinnalankam Village, Burja Mandal, Srikakulam District.

..... APPELLANT

AND

1. Kum. Ponnada Kamala, D/o. P. Haranadha Rao,
Chinna Lankam Village, Burja Mandal, Srikakulam District.
2. The Revenue Divisional Officer,
Srikakulam, Srikakulam District.

.....RESPONDENTS

Counsel for the Appellant: Mr. P.ROY REDDY

Counsel for Respondent No.1: Mr.A.Ravishankar

Counsel for Respondent No.2: GP FOR CIVIL SUPPLIES

The Court made the following :

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ORAL ORDER:

(per Honourable Sri Devinder Gupta, the Chief Justice)

Appellant was appointed as temporary fair-price shop dealer on suspension of the first respondent's dealership. Suspension was pending enquiry, and, the charges being that by proceedings dated 27.9.2003, 40.000 mts. of rice was released under Food for Work Programme for laying the road from the Chinalankan 0/3 to Khakandyam 3/5 K.M., and, during the enquiry by the Mandal Revenue Officer, it was observed that the rice was misutilised, and, the second charge being that when the Mandal Revenue Officer visited the village, the first respondent was not available in the village. Learned Single Judge, on going through the said charges, found that it was a fit case to set aside the order of suspension.

The appellant questions the legality and validity of the order of learned single Judge on the ground that the order of suspension could not have been set aside pending enquiry.

We have heard learned counsel for parties and gone through the record.

Normally, there cannot be any stay of the order of suspension. But, in exceptional cases, where on the face of it, charges may not be serious enough, discretion of staying the order of suspension may be exercised. The charge-memo says that the first respondent was not in the village when the Mandal Revenue Officer visited the village, and, the second charge says that the rice meant for supply under the Food for Work Programme for laying the road was misutilised. It only says that the first respondent misutilised the same. What specific act is attributed to the first respondent is not disclosed in the charge. Charges are, thus, vague and have to be enquired into. Only in cases where there are serious charges of non-supply of food grains to the cardholders, or, diversion of the food grains meant for supply to the cardholders, the order of suspension has been stayed and quashed by this court. But, in such like cases where the charges are vague, we see no ground to interfere with the order of learned Single Judge in suspending the order of suspension.

Moreover, the appellant has no locus standi to challenge this order inasmuch as the appellant is a temporary fair price dealer appointed as a stopgap arrangement. There is no right vested in the appellant. In these circumstances, the Writ Appeal is dismissed as devoid of merit. No costs.

DEVINDER GUPTA, C.J.

04.02.2005. _____

M.NARAYANA REDDY, J.

VR.

To.

1. The Revenue Divisional Officer,
Srikakulam, Srikakulam District.

2. Two CCs to Government Pleader for Civil Supplies, High Court Buildings,
Hyderabad (OUT).

3. Two CD copies.